

Issued September 8, 1936

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

## 1936 AGRICULTURAL CONSERVATION PROGRAM - SOUTHERN REGION

## BULLETIN NO. 6

## INSTRUCTIONS COVERING APPEALS

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act the following instructions are issued to supplement the provisions contained in Southern Region Bulletin No. 1, Revised, and Southern Region Bulletin No. 2, in connection with the effectuation of the purposes of section 7(a) of said act for 1936:

Any person who has reason to believe that any recommendation of his county committee in any matter of the kind set forth below is not equitable may request the county committee to reconsider its recommendation. If such person and such committee fail to agree upon the recommendation finally made by the county committee, an appeal may be taken in accordance with the following procedure:

Section I. Types of Appeals:

- a. Eligibility of farm.
- b. Land covered by work sheet and/or application.
- c. Eligibility of person(s) to submit an application for payment.
- d. Any soil-depleting base, yield per acre or the productivity index for the farm.

In addition to the above the state committee and the Regional Agricultural Appeals Board for the Southern Region may be called on to hear and decide other types of appeals.

Section II. Appellate Committees:

The following groups will receive, hear, consider and pass upon appeals cases:

- a. State agricultural conservation committee.
- b. Agricultural Conservation Appeals Board for the Southern Region (hereinafter referred to as the Regional Appeals Board).

Section III. Procedure Governing Appeals: Any person, whether owner or operator, interested in a farm covered by an application for payment, having just grounds for being dissatisfied with the final action of the county committee in passing upon any of the matters mentioned in section I hereof, may appeal from the findings of the county committee to the state committee.

When an application, forming the basis of an appeal, has been presented to the county committee, and approval refused by such committee, involving any of the matters enumerated in section I hereof, or such committee's approval of such application is in conflict with the contention of the complaining person, such person shall (if he wishes to appeal his case), within thirty calendar days from final action on such application by the county committee give notice in writing to such committee of his desire and intention to appeal his case to the state committee.

In order to perfect his appeal, the appellant shall at the time of giving notice of appeal, or within thirty calendar days from final action of the county committee on the application, file with such committee in triplicate a detailed statement of his contentions supported by such material evidence in triplicate as he may have available. He shall attach to such statement an exact copy in triplicate of the work sheet and application and other document(s) forming the basis of, or material to, such appeal.

When the appellant has filed his appeal record with the county committee such committee shall prepare in triplicate a statement of the findings and recommendation of the committee upon the material issues presented in the statement of the person appealing and shall also attach to such statement exact copies in triplicate of all available documents material to any issue raised by the appellant, as well as any other material data available to the committee.

The appeal record shall be perfected by the county committee and two copies forwarded to the state committee within fifteen calendar days from the date the same was filed with the county committee. The other copy shall be retained in the files of the county committee.

Upon receipt of the appeal record the state committee shall promptly set the appeal down for hearing at the earliest practicable date not earlier than fourteen calendar days from the date of such receipt of the appeal record (unless both the person appealing and the chairman of the county committee have indicated in writing, forwarded with the appeal record, that (a) they are willing to have the appeal heard at an earlier date or alternative dates indicated by them in such writing, in which case the appeal may be heard on such date or any one of such alternative dates, or (b) that they do not desire to appear at the hearing of the appeal, in which case the state committee may set the appeal down for hearing at any time reasonably convenient to it) and shall, in writing dated and forwarded in the regular course of the mail on the day the date for hearing the appeal is set and to the address of record, give notice in writing of the time and place of such hearing to the chairman

of the county committee and the person appealing. If the state committee deems it advisable, it may further develop the case by correspondence or field investigation either before or after the formal hearing, and may hear additional evidence at the state headquarters or at a designated place in the field.

The decision by the state committee with its recommendations, prepared in triplicate, shall be concurred in by a majority of the members of the committee. One copy of such recommendations shall be promptly transmitted to the county committee, which in turn will notify the appellant of the decision of the state committee. In case the person appealing is dissatisfied with the decision or recommendation of the state committee, such person may finally appeal the case to the Regional Appeals Board, Southern Division, in Washington, D. C., by giving written notice, prepared in triplicate, to the state committee within thirty calendar days from the date notice of its decision is addressed and forwarded to such person at the address of record. Such notice must contain or be accompanied by such person's comments or arguments against the decision or recommendation of the state committee. Upon such written notice being filed in duplicate with the state committee, it shall promptly forward one complete copy of the appeal record to the Regional Appeals Board, together with a copy of its decision and recommendations in such case and such written notice and comments or arguments.

Individual cases of complaints made by any person, whether owner, operator, share-tenant or share-cropper, relating to landlord-tenant questions in connection with the application for payment, made or appealed to the state committee, shall be referred by the state committee for special attention to a person appointed by the committee with the approval of the Director of the Southern Division to make prompt investigation and recommend adjustment of landlord-tenant complaints. Upon receiving the recommendation of such investigator, unless such recommendation has been carried out by the parties concerned in the complaint, the state committee shall promptly make its decision with respect to each such complaint and notify the parties concerned and the county committee of the decision reached by said committee. If one or more of the parties concerned is not satisfied with the decision, he may in writing request the state committee to forward to the Director of the Southern Division for appropriate action the complete file in the case, including the findings and report of the investigator of the state committee in charge of investigation of the landlord-tenant complaint. Upon receipt of such request the state committee shall forward the file to said Director, who may refer any such case with the entire record therein to the Regional Appeals Board for final determination.

The Regional Appeals Board for the Southern Region shall be composed of three members appointed by the Secretary of Agriculture upon nomination by the Director of the Southern Division. The chairman of the board for each of its sessions shall be that one of the members present who is first named in the order appointing them.

The Secretary of Agriculture upon nomination by the Director of the Southern Division may appoint alternate member(s) of said board to serve in the order so appointed in place of any member(s) thereof, whenever and while such member(s) is (are) absent from duty in the Southern Division, or, in case of any vacancy in the membership of said board until such vacancy is filled and the person appointed thereto has qualified. No alternate shall serve as chairman.

The Regional Appeals Board, acting for and on behalf of the Secretary of Agriculture, shall promptly and finally pass upon and decide each appeal referred to it by any state committee within the Southern Region or by the Director of the Southern Division. Final decision of the Regional Appeals Board shall be concurred in by a majority of the members of such committee. Such decision shall be promptly transmitted to the state committee in duplicate and the appealing producer and the county committee shall be notified by the state committee in writing of such decision.

All final decisions on appeal cases of the state committee and the Regional Appeals Board shall be in accordance with instructions approved by the Secretary of Agriculture. In considering any appeal case, if it appears there are no instructions approved by the Secretary applicable to such case, no decision thereon shall be rendered by any committee until applicable instructions are approved by the Secretary of Agriculture.

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IN TESTIMONY WHEREOF, H. A. Wallace,  
Secretary of Agriculture, has hereunto  
set his hand and caused the official  
seal of the Department of Agriculture  
to be affixed in the City of Washington,  
District of Columbia, this 8th day  
of September, 1936.

H a w a l l a c e  
Secretary of Agriculture.